

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MARIELLY MARTINEZ-LUGO
individually, and as representative of the
Estate of Luis Andrades-Díaz; and as
representative of their minor children: LUIS
E. ANDRADES-MARTINEZ, KEVIN NOEL
ANDRADES-MARTINEZ, and ANGEL
GABRIEL ANDRADES-MARTINEZ

Plaintiffs

vs

CIVIL 05-1282CCC

MIGUEL A. PEREIRA
Administrator, THE PUERTO RICO
DEPARTMENT OF CORRECTIONS
JOHN DOE NOS. 1-5
all in their personal and individual capacities

Defendants

O R D E R

On May 12, 2006, defendant Miguel Pereira filed a Motion for Judgment on the Pleadings (docket entry 16). Given that plaintiffs utterly failed to file their response to it within the term of ten (10) days provided by Local Rule 7.1(b), which expired on June 1, 2006, the Court on June 9, 2006 extended the term for them to do so until June 20, 2006 (docket entry 18). Plaintiffs were also then warned that failure to respond by the extended deadline would "result in dismissal of their complaint against defendant Pereira for failure to prosecute."

Id.

Despite the sua sponte extension granted, plaintiffs' response was never filed. On June 21, 2006, defendant Pereira filed a Motion to Adjudicate on the Merits Unopposed Motion to Dismiss (docket entry 20), where he asks, based on the terms of our June 9, 2006 Order, that all claims against him be dismissed.

Plaintiffs' failure to abide by the Court's express order which required them to oppose defendant Pereira's dispositive motion by June 20, 2006 is manifest, and remains without explanation. The consequence of such an action was already foretold in the Order of June 9,

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2006: dismissal for failure to prosecute. Consequently, we act now as intimated then, and hereby ORDER the dismissal of all claims against defendant Pereira pursuant to Fed.R.Civ.P. 41(b) for plaintiffs' failure to prosecute them.

Accordingly, defendant Pereira's Motion to Adjudicate on the Merits Unopposed Motion to Dismiss (**docket entry 20**) is GRANTED. Judgment shall be entered by separate order dismissing all claims against defendant Pereira pursuant to Fed.R.Civ.P. 41(b) for plaintiffs' failure to prosecute them. As a result, Pereira's Motion for Judgment on the Pleadings (**docket entry 16**) is now MOOT.

SO ORDERED.

At San Juan, Puerto Rico, on July 10, 2006.

S/CARMEN CONSUELO CEREZO
United States District Judge